

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|------------------------|---|------------|
| ROBERT EUGENE COLEMAN, |) | |
| |) | |
| Petitioner, |) | 4:04cv3377 |
| |) | |
| vs. |) | ORDER |
| |) | |
| ROBERT HOUSTON, |) | |
| |) | |
| Respondent. |) | |

This matter is before the court on filing no. 28, the petitioner's Motion to Proceed in Forma Pauperis ("IFP") on appeal, supported by filing no. 32, the petitioner's inmate trust account information. Because the petitioner has previously been granted leave to proceed IFP in the district court, and because this appeal is taken in good faith, the petitioner may continue to proceed IFP on appeal pursuant to Fed. R. App. P. 24(a)(3).¹ Filing no. 28 is granted.

SO ORDERED.

DATED this 13th day of June, 2005.

BY THE COURT:

s/ Joseph F. Bataillon
Joseph F. Bataillon
Chief District Judge

¹Fed. R. App. P. 24(a)(3) states:

(a) Leave to Proceed in Forma Pauperis....

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless the district court-- before or after the notice of appeal is filed--certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis. In that event, the district court must state in writing its reasons for the certification or finding.